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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,438	01/27/2004	Edward S. Miller	MSI-332USC1	3614
69316 7590 04/04/2008 MICROSOFT CORPORATION ONE MICROSOFT WAY REDMOND, WA 98052				
EXAMINER				
LUU, SYD				
ART UNIT		PAPER NUMBER		
2174				
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04/04/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/766,438

**Applicant(s)**

MILLER ET AL.

**Examiner**

Sy D. Luu

**Art Unit**

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 4/26/04 and prior.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SE/US)  
Paper No(s)/Mail Date 4/26/04
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

1. Applicant is reminded to amend the specification in the Cross-References to Related Applications section, regarding the information on the parent applications Ser. No. 09/596,236 and 09/134,559 of this instant application. The parent applications of Ser. No. 09/596,236 and 09/134,559 are now patented under US 6,717,588 B1 and US 6,252,589 B1 respectively.

### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-6 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter, specifically a software application. Computer programs claimed as computer code per se, i.e., the descriptions or expressions of the programs, are not physical "things," nor are they statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed aspects of the invention which permit the computer program's functionality to be realized. In contrast, a claimed computer - readable medium encoded with a computer program defines structural and functional interrelationships between

the computer program and the medium which permit the computer program's functionality to be realized, and is thus statutory. See MPEP §2106 Section IV.B.1(a).

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless-

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 6-8, and 19-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Silver et al ("Silver", U.S. patent 5,499,335).

As per claim 1, Silver teaches a program product encoding a computer program for executing a process on an information processor, the process comprising:

receiving a request for a resource, the request including a module identifier identifying a resource module (fig. 4; column 4, lines 62-64; column 5, lines 28-31);

in response to receiving the request, obtaining a language identifier from a source other than the request (figures 6-9; column 6, line 46 to column 7, line 33), and selecting a localized resource from the resource module based on language identifier (column 5, lines 30-31).

As per claim 6, Silver further teaches storing a handle to the resource module in a table of alternative resource handles, receiving a subsequent request for the localized resource, using the

handle to the resource module in the table of alternative resource handles to satisfy the subsequent request for the localized resource (col. 5, line 44 et seq.; col. 6, line 46 et seq.).

Claims 7 and 19 are similar to claim 1, and is therefore rejected under similar rationale.

As per claim 8, Silver further teaches: the language indicated by the language identifier, at column 6, lines 56-58; the primary language, at column 5, lines 14-15; a system default language, at column 5, lines 12-18; and the primary language of the system default language, at column 5, lines 14-15; and English [claim 23 only] at column 5, line 15.

Claim 20 is similar in scope to claim 6, and are therefore rejected under similar rationale.

Claims 21 and 24-28 are similar in scope to claims 1 and 6, and are therefore rejected under similar rationale.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-5, 9-15, and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silver et al ("Silver", U.S. patent 5,499,335).

As per claims 2-5, Silver does not explicitly disclose the process to further comprises constructing a path name having the module identification and the language identifier, locating a resource module in a subdirectory of a path of the requested resource, using a surrogate to

identify a subdirectory containing the localized resource, and using a surrogate to identify a subdirectory containing the localized resource, wherein the surrogate is locality preference information. However, Silver does disclose how the resources are constructed and stored for subsequent retrievals (figures 5-6; col. 5, lines 49 et seq.). Official Notice is taken that the use of directories and subdirectories associated with path names to organized data files are notoriously known in the art. It would have been obvious to an artisan at the time of the invention to modified Silver's method of organizing files with such features. The motivation would have been to provide an organized and efficient means to manage created resource data.

Claims 9-15 are similar in scope to claims 2-5, and are therefore rejected under similar rationale.

Claims 22-23 are similar in scope to claims 2-5, and are therefore rejected under similar rationale.

#### ***Allowable Subject Matter***

8. Claims 16-18 are allowable over the art of record because the art of record do not teach all of the claim limitations.

#### ***Inquires***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sy Luu whose telephone number is (571) 272-4064. The examiner can normally be reached on Monday - Friday from 7:300 am to 4:00 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on (571) 272-3923.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sy D. Luu/  
Primary Patent Examiner  
Art Unit 2174